

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

**FILED**

**01 JUN 29 PM 3:58**

**IN RE:**

**EMERALD GREEN PENSION FUND,**

Debtor.

Case No. B-00-11095C-7G

U.S. BANKRUPTCY COURT  
GREENSBORO, N.C. BY *JS*

**MOTION TO DISALLOW CLAIMS FOR FAILURE  
TO PROVIDE COURT ORDERED ADDITIONAL INFORMATION**

NOW COMES Charles M. Ivey, III, Trustee for the above captioned Chapter 7 debtor, requesting that certain claims be denied in full for failure to provide additional information as ordered by the Court and, in support thereof, shows unto the Court the following:

1. The above captioned Debtor filed a voluntary petition under Title 11, Chapter 11 of the United States Bankruptcy Code on May 8, 2000. As a result of an Order entered by the Court on July 17, 2000, the case was converted to a Chapter 7 proceeding, and Charles M. Ivey, III is the duly appointed, qualified and acting trustee in the proceeding.

2. As a result of the filing and subsequent conversion, due notice was given to all creditors (except a governmental unit) that proofs of claim needed to be filed on or before November 12, 2000. As a result of this notification, numerous claims have been filed.

3. Several of the claims have been filed by trusts, corporations or other entities and not in the names of individual persons. Such proofs of claim (hereinafter "Trust Proofs of Claim") have been signed by individuals representing themselves as trustees, appointees, agents, or in other capacities associated with the claimants. The Trustee's review of the claims indicates that in certain instances a Trust Proof of Claim and a claim by the beneficiary of that Trust were filed, creating a duplicate filing of such claim. However, the Trustee could not confirm the extent to which duplicate claims existed based upon the information provided with the Trust Proofs of Claim as filed in the case. As a result, the Trustee sought direction from the Court to require that additional information be filed by these claimants.

4. The matter came before the Court for hearing on April 24, 2001. As a result of that hearing, the Court entered an Order on May 9, 2001 which identified parties who had filed Trust Proofs of Claim and required those parties to provide additional information to the Court and to the Trustee within thirty (30) days of the entry of the Order. The Order further indicated in capital letters: "FAILURE TO COMPLY WITH THIS ORDER BY THOSE PARTIES IDENTIFIED ON EXHIBIT 'A' HERETO SHALL RESULT IN THEIR ENTIRE CLAIM BEING DENIED IN FULL." Attached hereto and incorporated herein by reference and identified as Exhibit "A" is the Exhibit "A" which was a part of the May 9, 2001 Order setting out those parties who were required

to provide additional information. The time for parties to provide additional information has expired. The Trustee has reviewed the documents provided to him and reviewed the information filed with the Bankruptcy Court. Based upon this review, it now appears the following parties provided additional information.

- a. Claim #8 filed by Washburn Trust;
- b. Claim #15 filed by Azaz Transitional
- c. Claim #19 filed by Parachute Financial
- d. Claim #36 filed by DNA International Investor
- e. Claim #57 filed by North Albuquerque Trust

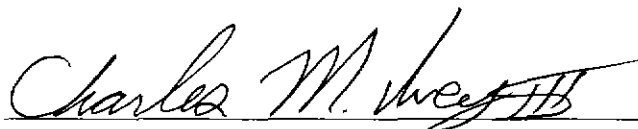
5. Based upon the information as provided by these claims, the Trustee does not anticipate filing objections to any of the above referenced claims.

6. The following parties have not provided additional information to the Trustee. For the reasons previously stated in the Trustee's Motion which resulted in the May 9, 2001 Order, the Trustee requests, pursuant to that Order, that the following claims be denied in full:

- a. Claim #9 filed by Prosper International Trust
- b. Claim #16 filed by Amad Associates
- c. Claim #20 filed by Palmyra Financial
- d. Claim #21 filed by Pegasus Financial
- e. Claim #22 filed by Protocol Financial
- f. Claim #26 filed by Shuku International
- g. Claim #33 filed by Petroglyph Financial
- h. Claim #34 filed by Petroglyph Financial
- i. Claim #35 filed by Petroglyph Financial
- j. Claim #53 filed by Gaddi Financial Group
- k. Claim #54 filed by Gaddi Financial Group
- l. Claim #63 filed by Alpha-Omega Corporation

WHEREFORE, the Trustee respectfully requests that the Court deny in full the claims identified in paragraph 6 above, and for such other and further relief as the Court deems just and proper.

This the 29 day of June, 2001.



Charles M. Ivey, III  
NCSB #8333

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OF COUNSEL:

IVEY, McCLELLAN, GATTON & TALCOTT

P. O. Box 3324

Greensboro, NC 27402

Telephone: 336/274-4658

EXHIBIT A

Washburn Trust c/o Sylvia Mock P. O. Box 13388 Albuquerque, NM 87192	Claim #8	Prosper International Trust No. 11635 4400 Fairland Dr., NE Cedar Rapids, IA 52402	Claim #9
Azaz Transitional c/o Kenneth Kennedy 10 Tallwood Lane Longwood, TX 76505	Claim #15	Amad Associates Suite 705-205 7400 Abercorn Street Savannah, GA 31406	Claim #16
Parachute Financial 17853 Huckleberry Dr., LWW Penn Valley, CA 95946	Claim #19	Palmyra Financial 17853 Huckleberry Dr., LWW Penn Valley, CA 95946	Claim #20
Pegasus Financial Mr. John Gacek c/o Karen Younce 17853 Huckleberry Dr. Penn Valley, CA 95946	Claim #21	Protocol Financial c/o Karen Younce 17853 Huckleberry Dr. Penn Valley, CA 95946	Claim #22
Shuku International c/o Mike Cassidy 198 Wash Pond Rd. Hampstead, NH 03841	Claim #26	Petroglyph Financial 17853 Huckleberry Dr. Penn Valley, CA 95946	Claim #33
Petroglyph Financial 17853 Huckleberry Dr. Penn Valley, CA 95946	Claim #34	Petroglyph Financial 17853 Huckleberry Dr. Penn Valley, CA 95946	Claim #35
Gaddi Financial Group 828 21 <sup>st</sup> Avenue Manson, IA 50563	Claim #53	DNA International Investor 2140 Woodhaven Ct. Villa Hills, KY 41017	Claim #36
North Albuquerque Trust Attn: George Baca, Trustee P. O. Box 13388	Claim #57	Gaddi Financial Group 828 21 <sup>st</sup> Avenue Manson, IA 50563	Claim #54
Alpha-Omega Corp. c/o Arthur Cheek 1535 SW 58 <sup>th</sup> Lane Cape Coral, FL 33914	Claim #63		